

HOUSE No. 2786

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to fair dealing in business.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex
Daniel K. Webster	6th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2960 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO FAIR DEALING IN BUSINESS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 14 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting after section 9 the following new sections:--

3 Section 10. There shall be in the department of revenue a bureau of special
4 investigations, headed by a director, who shall be appointed by the commissioner of revenue, and
5 who shall be a person of ability and experience and shall devote his entire time to the duties of
6 the office. Said commissioner may appoint such other experts and officers as he deems necessary
7 to carry out the work of the bureau. Appointments to the positions of director, legal counsel and
8 confidential administrative secretary shall not be subject to chapter 31 or section 9A of chapter
9 30. The director may expend for legal, investigative, clerical, and other assistance and expenses
10 such sums as may be appropriated therefore.

Section 11. The director shall initiate investigations and investigate complaints which indicate the possibility of fraud being committed by businesses subject to the provisions of chapter 63.

The director, in conformity with the rules and regulations of the commissioner, shall:

(1) initiate investigations in order to discover illegal acts being committed by businesses subject to the provisions of chapter 63. Said illegal acts shall include, but not be limited to, the hiring of aliens as promulgated under section 19C of chapter 149; evasion of remitting taxes as promulgated under chapter 63; and, any attempt by businesses to commit fraud;

(2) establish a toll-free telephone hotline to facilitate anyone with knowledge of a business in direct violation of the provisions of this act to report such violations to the bureau;

(3) examine, upon written request to the commissioner of revenue, the tax reports, papers or other documents on file with said commissioner, relative to the investigation of a business in direct violation of the provisions of this act. Nothing herein shall be construed to authorize the examination or disclosure, directly or indirectly, of any information, returns, or records received from the Internal Revenue Service;

(4) examine any information contained on the warrant management system established by section 23A of chapter 276;

(5) report to the attorney general or a district attorney, for such action as they may deem proper, any case in which, after investigation, there is probable cause to believe a violation of this act has been made;

(6) examine the records and accounts of any bank, as defined in section 1 of chapter 167, national bank, federal savings and loan association, benefit association, insurance company, safe deposit company or loan company authorized to do business in the commonwealth relative to businesses who are the subject matter of an investigation insofar as the records and accounts pertain to deposits, withdrawals, loans, insurance transactions, claims settlements and payments;

(7) a written request of the director, or of an authorized representative of the director, for examination of information, records or accounts as provided in clause (6) shall be complied with within a reasonable period of time.